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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,655	01/08/2002	Hidetaka Ito	8009-1001	9177

466 7590 02/10/2005

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EXAMINER

KLINGER, SCOTT M

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,655

Applicant(s)

ITO, HIDETAKA

Examiner

Scott M. Klinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-10 are pending.

Priority

A claim for foreign priority has been made. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file. The effective filing date for subject matter in the application is 12 January 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites the limitation "*the master side OAM connection*" on page 17, line2 6-7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-7, 9, and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kajitani et al. (U.S. Patent Number 6,643,254, hereinafter "Kajitani"). Kajitani discloses rerouting method for a PVC route on an ATM network and a network management system using the rerouting method. Kajitani shows,

In referring to claim 1, Kajitani shows,

- Setting a plurality of PVC connections and individually corresponding controlling connections between two ATM exchanges of the ATM communication network; and detecting, by each of the ATM exchanges, occurrence of and release from a trouble with and of a PVC connection corresponding to any of the controlling connections and switching an operative PVC connection to another one of the PVC connections in response to a result of the detection:

"In accordance with one aspect of the present invention, there is provided a method of rerouting a PVC route on an ATM network, including steps of: previously defining an alternate route for the PVC route which is managed in an ATM network managing system; and switching the PVC route to a previously defined alternate route when a fault occurs in a network element forming the PVC route." (Kajitani, col. 2, lines 31-37)

In referring to claim 2, Kajitani shows,

- If, while one of the PVC connections is used as the currently used PVC connection, it is detected from the corresponding controlling connection that a trouble has occurred with the PVC connection, then each of the ATM exchanges switches the operative PVC connection to another one of the PVC connections as a bypassing PVC connection:

Kajitani, col. 2, lines 31-37 (see full quote above)

In referring to claim 3, Kajitani shows,

- If, while the bypassing PVC connection is used, it is detected that the currently used PVC connection has been released through the corresponding controlling connection, then

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each of the ATM exchanges switches the operative PVC connection to the currently used PVC connection:

Kajitani, col. 2, lines 31-37 (see full quote above)

In referring to claim 4, Kajitani shows,

- The controlling connections are set by an operation administration and maintenance function:

“the system includes: an ATM network resource managing unit for managing resources included in the ATM network; a PVC connection managing unit connected to the element data collecting unit through the communication network for managing the situation of the connection of the PVC route” (Kajitani, col. 4, lines 12-17)

In referring to claim 5, Kajitani shows,

- Each of the ATM exchanges detects a trouble through the fact that an alarm indication signal cell of the operation administration and maintenance function is inputted thereto:

“the system includes: an ATM network resource managing unit for managing resources included in the ATM network; a PVC connection managing unit connected to the element data collecting unit through the communication network for managing the situation of the connection of the PVC route; a PVC route searching unit for searching the PVC route” (Kajitani, col. 4, lines 12-17)

In referring to claim 6, Kajitani shows,

- Each of the ATM exchanges detects a trouble through the fact that a continuity check cell of the operation administration and maintenance function is not inputted thereto:

Kajitani, col. 4, lines 12-17 (see full quote above)

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In referring to claim 7, Kajitani shows,

- Setting a master PVC connection and a master side operation administration and maintenance connection corresponding to the master PVC connection between a first ATM exchange and a second ATM exchange:

Kajitani, Fig. 10 shows master routes A, B, and C, as well as alternate routes

- Setting a bypassing PVC connection prepared in advance for bypassing of the master PVC connection and a bypassing side operation administration and maintenance connection corresponding to the bypassing PVC connection between the first and second ATM exchanges; and switching, if both of the first and second ATM exchanges detect a trouble of the master PVC connection through the maser side operation administration and maintenance connection, the PVC connection to the bypassing PVC connection by means of the first and second ATM exchanges:

Kajitani, col. 2, lines 31-37 (see full quote above)

In referring to claim 9, Kajitani shows,

- A plurality of repeating ATM exchanges are connected on a route of the bypassing PVC connection and a connection for forming the bypassing PCV connection is set in each of the repeating ATM exchanges:

Kajitani, Fig. 10 shows a plurality of repeating ATM exchanges are connected on a route of the bypassing PVC connection and a connection for forming the bypassing PCV connection is set in each of the repeating ATM exchanges

In referring to claim 10Kajitani shows,

- Each of the first and second ATM exchanges designates the connection set in advance and signals an ATM cell to a neighboring one of the plurality of repeating ATM exchanges through the designated connection.

Kajitani, col. 2, lines 31-37 (see full quote above)

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Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Klinger whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott M. Klinger
Examiner
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smk


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